

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERICK BATES,

Plaintiff,

v.

CITY OF SAN JOSE et al.,

Defendants.

Case No. C-06-05302-RMW

**ORDER GRANTING MOTION TO
REOPEN TIME TO FILE AN APPEAL**

[Re Docket No. 57]

Frederick Bates moves the court to reopen time for him to file an appeal pursuant to Federal Rule of Appellate Procedure 4 because he did not receive notice of the court's previous order denying his motion for relief from judgment until after the deadline for filing an appeal. Although Bates would have known about the court's decision had he appeared at the hearing, the court finds that Bates did not receive notice of the order within 21 days of its entry. The court also finds that Bates' motion was timely and no party will be prejudiced. Therefore, pursuant to Appellate Rule 4, the court grants Bates' motion to reopen the time to file an appeal for 14 days, until July 15, 2013.

Dated: July 1, 2013


RONALD M. WHYTE
United States District Judge